

DATE: November 12, 2002

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND
MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: 2002 Merit-Related Legislation

Attached is a summary of final actions on major legislation followed by the State Personnel Board (SPB) in 2002 for its impact on SPB programs and the administration of the State Civil Service Merit System.

Revisions to the Law and California Code of Regulations governing the California State Civil Service, appropriate manuals, and policy implementation memoranda will be issued to reflect enacted statutes as soon as possible.

Questions regarding the attached report should be directed to Mike Willihnganz, Chief, Policy Division, State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, (916) 651-7137, CALNET 461-7136, or TDD (916) 653-1498.

Laura M. Aguilera
Assistant Executive Officer

Attachment

AB 1068 (Wright)
Chapter 1030, Statutes of 2002
Effective Date: September 28, 2002 (*URGENCY MEASURE*)

SUMMARY:

This bill revises the provisions regarding disclosure requirements imposed on a state department or agency that conducts its own background checks into the character, general reputation, personal characteristics, or mode of living of an applicant for the purpose of evaluating that applicant for employment, promotion, reassignment, or retention. The bill relieves employers that conduct their own background checks, and which are subject to the Information Practices Act, from the requirement to share with applicants the information obtained through the background check process. The bill does impose disclosure requirements upon employers that retain a contractor or vendor for purposes of obtaining background information.

SECTIONS AFFECTED:

An act to amend Sections 1785.16.2, 1785.20.3, 1786.16, 1786.24, 1786.29, and 1786.53 of, and to add Sections 1786.40, 1786.55, and 1786.60 to, the Civil Code, relating to personal information, and declaring the urgency thereof, to take effect immediately.

AB 1950 (Wright)
Chapter 236, Statutes of 2002
Effective Date: January 1, 2003

SUMMARY:

This bill provides that, upon written agreement between an appointing power and an employee who alleges that he or she has a disability, as defined, and subject to approval of the agreement by the State Personnel Board, the employee's probationary period may be extended for a period not to exceed 6 months. The extension of the probationary period will allow the appointing power to provide a reasonable accommodation to the employee and will also allow the employee to demonstrate, before the probationary period ends, his or her ability to satisfactorily perform the essential functions of the position with reasonable accommodation.

SECTIONS AFFECTED:

An act to amend Section 19170 of the Government Code, relating to probationary period.

AB 2868 (Wright)
Chapter 1029, Statutes of 2002
Effective Date: September 28, 2002 (URGENCY MEASURE)

SUMMARY:

This bill revises the provisions concerning the privileged character of communications regarding job performance and qualifications. The bill provides a qualified immunity from slander or libel suits to allow a current or former employer to answer an inquiry from a prospective employer as to whether or not the current or former employer would rehire a current or former employee.

SECTIONS AFFECTED:

An act to amend Sections 47, 1786.11, 1786.18, 1786.20, 1786.24, and 1786.50 of, and to add Section 1785.16.3 to, the Civil Code, relating to personal information reporting, and declaring the urgency thereof, to take effect immediately.

AB 3000 (Committee on Budget)
Chapter 1124, Statutes of 2002
Effective Date: September 30, 2002 (URGENCY MEASURE)

SUMMARY:

The Dymally-Alatorre Bilingual Services Act requires each state agency to conduct a survey of its local offices every 2 years regarding their public contact positions and the provision of bilingual services as specified. This bill requires each state agency to conduct an assessment and to develop and update an implementation plan that complies with the act. The bill requires the implementation plan to include specified information regarding the agency's procedures used to implement the act. The bill also revises and expands the duties of the State Personnel Board with regard to the surveys and implementation plans, and the report required to be submitted by the board.

SECTIONS AFFECTED:

An act to amend Sections 7342 and 17591 of the Business and Professions Code, to amend Section 1540 of the Code of Civil Procedure, to amend Section 37220.6 of, and to add and repeal Section 37220.8 of, the Education Code, to amend Sections 910.4, 915.2, 935.7, 7299.4, 7299.6, 10205, 13103.5, 14612, 15323.5, 16429.1, 16475, 16475.5, 16724.6, 16727, 16731.6, 17551, 17558.5, 17561, 17562, and 17564 of, to amend, repeal, and add Section 12439 of, to add Sections 14612.5, 14669.21, 15320, 15364.725, and 16320 to, and to add and repeal Section 68087 of, the Government Code, to amend Sections 18909, 18913, 18937, 18938, 18942, and 18943 of the Health and Safety Code, to add Section 12907 to the Insurance Code, to amend Sections 62.5, 142, 142.3, and 1777.5 of, and to repeal Section 142.6 of, the Labor Code, to amend Sections 830.5, 1203.1d, 6045.8, and 13601 of, to add Section 2933.3 to, and to add

and repeal Section 1465.7 of, the Penal Code, to amend Sections 309.5 and 3340 of the Public Utilities Code, to amend Sections 13563, 19521, and 40016 of, and to add Section 30018 to, the Revenue and Taxation Code, to amend Section 13260 of the Water Code, and to amend Section 3053 of, and to add Section 3055 to, the Welfare and Institutions Code, relating to state and local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SB 1045 (Polanco)

Chapter 1165, Statutes of 2002

Effective Date: January 1, 2003

SUMMARY:

This bill declares the intent of the Legislature to reaffirm diversity as a public policy goal in public employment and public contracting. The bill authorizes governmental agencies to engage in various general recruitment and outreach programs and focused outreach activities to increase diversity in public employment and public contracting. The bill also requires each state department or agency awarding a contract or procuring goods or services, and authorizes each local agency receiving state funds, to collect information and report annually to the Governor and the Legislature on the participation level of minority, women, and disabled veteran-owned business enterprises in these contract and procurement activities.

SECTIONS AFFECTED:

An act to add Sections 11139.6, 11139.7, and 11139.8 to the Government Code, relating to public employment and contracting.